

RUMSON ZONING BOARD  
November 16, 2021  
MINUTES

The regularly scheduled virtual meeting was called to order at 7:30 pm with a salute to the flag, followed by roll call of: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mrs. Carras, Mr. Hofferber, Mr. Izzo, Mr. Shissias (joined the meeting after the roll call was taken.)  
Absent: Mrs. McGill

Also present, Bernard Reilly, Esq., Fred Andre', Zoning Officer, Kendra Lelie, representing T&M Associates and Eric Paone Hurd, Moderator.

The notice requirements of the Open Public Meetings Act were stated as being met.

Fred Andre', the Borough Zoning Officer was sworn in.

Chairman Brodsky announced that the continued application of **John and Moira Barrett** for property located at **10 Riverview Avenue** be presented for the Board's consideration.

Mrs. Carras reviewed the August 17, 2021 meeting and is eligible to vote.

Moira Barrett, the applicant, was sworn in. Mrs. Barrett introduced Anthony Condouris, a New Jersey licensed architect. Mr. Condouris was sworn in and the Board accepted his credentials.

Mr. Condouris stated that the plans presented at the August 17, 2021 meeting have been revised. Mr. Condouris explained the changes that have been made to the proposal since it was last presented to the Board.

The floor area of the proposed two-story residence has been reduced to 2,099 square feet. It is proposed at 26.6 feet high and gables have now been added to the roof design. The building coverage has also been reduced to 1,265 square feet. The setback on Highland Avenue has been improved to 18 feet.

Board Member appreciated the applicant revisiting the plans and the variances now being requested are minor in nature. The realignment of the home fits better on the lot and the neighborhood. It also improves the setbacks.

Chairman Brodsky opened the application for public questions and/or comments. There being none, the public questions/comments portion was closed.

After discussion Chairman Brodsky asked the pleasure of the Board. Mr. Torcivia made a motion to approve the application as amended; Seconded by Mr. Blum.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mrs. Carras, Mr. Hofferber, Mr. Shissias, Mr. Izzo

Nays: None

Chairman Brodsky announced the application of **Andrew and Anne Lentz** for property located at **9 Oak Lane** be presented for the Board's consideration. Anne Lentz, the applicant, was sworn in. Mrs. Lentz stated that the proposal is to add a one-story sun porch to the existing residence. New construction will create nonconformity in the maximum floor area of 3,694 square feet being proposed and 3,500 square feet is permitted. The existing landscaping is intended remain as it is today. The applicant is amenable to relocating the HVAC and generator to the rear of the property.

Chairman Brodsky opened the application for public comments and/or questions. There being none the public questions/comments portion was closed.

After discussion, Chairman Brodsky asked the pleasure of the Board. Mr. Blum made a motion to approve the application as presented with conditions; Seconded by Mr. Torcivia.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mrs. Carras, Mr. Hofferber, Mr. Shissias, Mr. Izzo

Nays: None

Chairman Brodsky announced the application of **Daniel and Emily Mee** for property located at **53 Allen Street** be presented for the Board's consideration. Daniel Mee, the applicant, was sworn in. Mr. Mee introduced Anthony Condouris, a New Jersey licensed architect. Mr. Condouris was sworn in and the Board accepted his credentials.

Mr. Condouris explained that the proposal is to construct a new two-story rear addition at the existing premises. The property is undersized and currently nonconforming in minimum lot area. The residence is currently nonconforming in building front setback and porch front setback. The existing detached garage is nonconforming in area and accessory building setback. The new construction will create nonconformity in the maximum building coverage at 1,342 square feet and 1,262 square feet is permitted.

Mr. Condouris described the existing and proposed interior floor plans and stated that if the lot was not undersized for the zone the proposal would be conforming.

Chairman Brodsky opened the application for public questions and/or comments. There being none, the public portion was closed.

After discussion, Chairman Brodsky asked the pleasure of the Board. Mr. Shissias made a motion to approve the application as presented; Seconded by Mrs. Carras.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mrs. Carras, Mr. Hofferber, Mr. Shissias, Mr. Izzo

Nays: None

Chairman Brodsky announced the application of **Josh Welle** for property located at **17 Grant Avenue** be presented for the Board's consideration. Josh Welle, the applicant, was sworn in. Mr. Welle introduced Anthony Condouris, a New Jersey licensed architect. Mr. Condouris was sworn in and the Board accepted his credentials. Mr. Condouris stated that the proposal is to enclose the existing front balcony, which will align the first and second floors, and construct a new covered side deck at the existing premises.

Mr. Condouris described the existing conditions at the premises. The property is currently nonconforming in minimum lot area and existing and interior lot shape. The residence is currently nonconforming in building front setback and rear setback. The new construction will increase the nonconformities in both the building front setback and rear setback. The new covered deck is proposed on the west side of the residence. The garage is to remain as it exists. The applicant is amenable to extending the siding on the dwelling and will submit plans for review and approval.

Chairman Brodsky opened the application for public questions and/or comments. There being none, the public portion was closed.

After discussion, Chairman Brodsky asked the pleasure of the Board. Mr. Shissias made a motion to approve the application subject to review and approval of the siding; Seconded by Mrs. Carras.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mrs. Carras, Mr. Hofferber, Mr. Shissias, Mr. Izzo

Nays: None

Chairman Brodsky announced that the application of **William and Katherine Thompson** for property located at **2 Robin Road** be presented for the Board's consideration.

Mark Aikins, Esquire representing the applicants addressed the Board. Mr. Aikins introduced James A. Kennedy, and New Jersey licensed engineer and planner. Mr. Kennedy was sworn in and the Board accepted his credentials. Mr. Kennedy stated that property is located at the corner of Robin Road and Blossom Road.

Mr. Kennedy testified that the application is to construct a new patio and in-ground pool in the second front yard setback. The new construction will create nonconformity in having a residential accessory pool located in the front yard between the principal dwelling and a public road. The property currently has a very deep, dense buffer landscape in the rear of the property and a less-dense buffer on the Blossom Road side of the property. Placing the pool and 10' by 16' patio in the secondary-front yard provides a better planning alternative.

All bulk standards are met. The only variance being sought is for the location of the pool in a nonconforming location. Placement of the pool in the rear of the property would require the removal of substantial trees and landscaping between the subject property and the neighboring property.

The proposal provides adequate light, air and open space; promotes desirable visual environment. There will be no substantial detriment to the public good. The benefits substantially outweigh any detriments. Granting the variance does not substantially impair the intent of the zone plan or Master Plan of the Borough. Mr. Kennedy cited case law to support his opinion.

Chairman Brodsky opened the application for public questions and/or comments. Reed Choate residing at 9 Blossom Road was sworn in. Mr. Choate commented that the plantings in the rear of the subject property is a positive feature of the proposal and is in support of the application.

Board Members expressed concern with the pool as a luxury and not an essential feature placed in the secondary front yard. A substantial portion of the landscape buffer appears to be located within the Borough's right-of-way and not the subject property. The pool size can be reduced and placed in the rear yard. The removal of plantings could be temporary and can be replanted and replaced.

Mr. Aikins requested that the application be carried to the next available meeting.

Mr. Reilly announced that the application will be carried to the January 18, 2022 meeting of the Zoning Board at 7:30 p.m. without further notice being required.

Chairman Brodsky asked for any comments on the September 21, 2021 meeting Minutes. Mr. Torcivia made a motion to approve the Minutes as submitted; Seconded by Mr. Blum.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mrs. Carras, Mr. Hofferber, Mr. Shissias, Mr. Izzo

Nays: None

Chairman Brodsky asked for any comments on the October 19, 2021 meeting Minutes. Mr. Torcivia made a motion to approve the Minutes as submitted; Seconded by Mr. Blum.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mrs. Carras, Mr. Shissias, Mr. Izzo

Nays: None

Abstain: Mr. Hofferber

There being no further business before the Board, the meeting was adjourned at approximately 9:20 p.m.

A **special meeting** of the Zoning Board is scheduled for **December 14, 2021** at **7:00 pm**.

The next regularly scheduled meeting will be **December 21, 2021** at 7:30 p.m.

Respectfully submitted, Michele MacPherson